

REMARKS

In an effort to move the application forward to allowance various amendments have been made to the claims and some claims have been canceled. Applicants appreciate the indication in the last Office action that claims 15 and 25 are allowable. Claims 26, 28 and 34 are canceled herein. Claims 16, 17, 27 and 32 have been amended in response to various rejections of record. Applicants expressly state that the canceled subject matter is considered to be inventive and is not dedicated to the public but will be pursued in later-filed co-pending applications. Claim 16 has been amended to remove references to sequences identified via homology to specific sequences and to add the descriptive language that the encoded protein comprises an ezrin-like domain, a Db1 domain and a pleckstrin domain. Support for the added description can be found at least in original claim 4, Figures 1, 2 and 4 and the paragraph bridging pages 9 and 10 of the specification. Claim 17 has been amended to remove references to sequences identified via homology. Claim 27 has been amended to specify that the claimed nucleic acid is “fully” complementary to SEQ ID NO: 1. Support for this amendment can be found at least in original claim 6. Claim 32 has been amended such that the claim depends from only the currently pending claims.

With respect to the rejections set forth in the Office action mailed May 18, 2004 Applicants submit that all of the rejections are either obviated by or rendered moot in light of the amendments presented above.

The comments provided with respect to the appropriate date accorded claim 34 and the related rejections under 35 U.S.C. § 112, first paragraph and 35 U.S.C. § 102(b) are rendered moot by the cancellation of claim 34. Applicants state for the record, however, that they do not acquiesce to the position set forth in the Office action in this regard. Example 3 of the specification must be read and appreciated in its entirety together with Figures 7 and 8 referred to therein. Example 3 remains unchanged from its presentation in International Patent Application PCT/JP98/05348 and presents embodiments of claim 34 such that it is improper to consider this claimed subject matter to lack support in the underlying specification.

While Applicants do not acquiesce to the position asserted in the Office action that either one of the phrases “Rho-GEF activity” and “under stringent hybridization conditions” are indefinite, the rejection of claims 16-17, 26, 28 and 32 is rendered moot by the removal of this language from the pending claims.

With respect to the rejection of claims 27 and 28 under 35 U.S.C. § 112, first paragraph, written description, while not acquiescing to the grounds of rejection, Applicants note that claim 28 has been cancelled and claim 27 has been amended to recite that the claimed nucleic acid is fully complementary to SEQ ID NO: 1, thus rendering this rejection moot.

With respect to the rejection of claims 16, 17, 26-28 and 32 under 35 U.S.C. § 112, first paragraph, scope, while not acquiescing to the grounds of rejection, Applicants note that claims 16 and 17 have been amended to remove reference to sequences identified via homology; that claims 26 and 28 have been cancelled; that claim 27 has been amended to recite that the claimed nucleic acid is fully complementary to SEQ ID NO: 1, and that claim 32 has been amended to delete dependency on canceled claims 26 and 28, thus rendering this rejection moot.

This reply is fully responsive to the Office Action dated May 18, 2004. Therefore, a Notice of Allowance is next in order and is respectfully requested.


Except for issue fees payable under 37 CFR §1.18, the director is hereby authorized by this paper to charge any additional fees during the pendency of this application including fees due under 37 CFR §1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit

Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 CFR §1.136(a)(3).

If the Examiner has any further questions relating to this Reply or to the application in general, she is respectfully requested to contact the undersigned by telephone so that allowance of the present application may be expedited.

Respectfully submitted,

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